(2)

cf 1002

IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

WRIT APPEAL NO.....24...../2007

APPELLANT : Smt. Kamlesh, aged about 51years, W/o. Late Shri Laxman Singh, Occupation Assistant Teacher, Mata Rukmani Sewa Sansthan, Kanya Aashram, Mutanpal, District Bastar (C.G.)

F.I.R. No. 93/07 Anita Shukla
Presented by
dated 3/12/07

VERSUS

RESPONDENTS :1. State of Chhattisgarh, Through : The Secretary, Schedule Caste/Schedule Tribe & Backward Classes Welfare Department, D.K.S. Bhawan, Raipur (C.G.)

2. Collector, Tribal Department, District – Bastar (C.G.)

3. Mata Rukhamani Seva Sansthan, Dhimarapal, District Bastar (C.G.)

4. Secretary, Mata Rukhamani Seva Sansthan, Dhimarapal, District Bastar (C.G.)

OATH COMMISSIONER APARNA MALVIYA Bilaspur Chhattisgarh 31/01/08

RECEIVED COPY 3/12/07 CLERK to A. G. BILASPUR

WRIT APPEAL UNDER CLAUSE 157 (10) (a) (2) OF CHAPTER XI OF HIGH COURT OF CHHATTISGARH RULES, 1995 - 2005

B.D.B

(23)

HIGH COURT OF CHHATTISGARH : BILASPUR

Division Bench

Coram : Hon'ble Shri H.L. Dattu, CJ &
Hon'ble Shri V.K. Shrivastava, J

WRIT APPEAL NO. 24 OF 2007

APPELLANT Ku. Kamlesh

Versus

RESPONDENTS State of Chhattisgarh and others.

Present :

Shri D.R. Sharma, Sr. Advocate with Shri B.D. Badgaiyan, counsel for the petitioner.

Shri Prashant Mishra, Addl. Advocate General for respondents No. 1 and 2.

None for other respondents.

ORAL ORDER

(Passed on 28th February, 2007)

The following oral order of the Court was passed by **H.L. Dattu, C.J.**

Appellant before us was appointed as Assistant Teacher/Upper Division Teacher in aided institution. There is a revision of pay scale some time in the year 1995. Since the benefit of revision of pay scale was not given to the petitioner, she had approached this Court by filing a petition sometime in the year 2006. Learned single Judge had rejected the writ petition solely on the ground of delay and laches on the part of the petitioner in approaching this Court merely after 11 years from the date of notification issued by the Central Government.

(24)

2) The discretionary jurisdiction of this Court cannot be extended to a person who slept over her right. There is no explanation much less reasonable explanation by the petitioner in approaching this Court for implementation of the benefit of the notification merely after 11 years from the date of issuance of the notification.

3) In our opinion, the delay in filing the petition by the petitioner is fatal to the proceedings. Therefore, the learned single Judge had rightly rejected the writ petition. We do not see any error in the orders passed by the learned single Judge which would call for interference by us. Accordingly the writ appeal is rejected.

Ordered accordingly.

Sd/-
V.K.Shrivastava
Judge

Sd/-
Chief Justice